

House Study Bill 134 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON LUNDGREN)

A BILL FOR

1 An Act relating to youth employment and making penalties
2 applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 92.3, Code 2023, is amended to read as
2 follows:

3 **92.3 Under fourteen — work activities not permitted**
4 **occupations.**

5 No person under fourteen years of age shall be employed
6 or permitted to work with or without compensation in any
7 ~~occupation, except in the street occupations or migratory~~
8 ~~labor occupations specified in section 92.1 work activity.~~
9 ~~Any migratory laborer twelve to fourteen years of age may not~~
10 ~~work prior to or during the regular school hours of any day of~~
11 ~~any private or public school which teaches general education~~
12 ~~subjects and which is available to such child.~~

13 Sec. 2. Section 92.4, Code 2023, is amended to read as
14 follows:

15 **92.4 Under sixteen — permitted ~~occupations~~ work activities.**

16 No person under sixteen years of age shall be employed
17 or permitted to work with or without compensation in any
18 ~~occupation~~ work activity during regular school hours, except
19 the following work activities:

20 1. Those persons legally out of school, if such status
21 is verified by the submission of written proof to the labor
22 commissioner.

23 2. Those persons working in a supervised school-work
24 program.

25 3. Those persons between the ages of fourteen and sixteen
26 enrolled in school on a part-time basis and who are required to
27 work as a part of their school training.

28 ~~4. Fourteen and fifteen year old migrant laborers during~~
29 ~~any hours when summer school is in session.~~

30 Sec. 3. Section 92.5, Code 2023, is amended to read as
31 follows:

32 **92.5 ~~Fourteen and fifteen~~ — permitted ~~occupations~~ work**
33 **activities.**

34 Persons fourteen ~~and fifteen~~ years of age may be employed or
35 permitted to work in the following ~~occupations~~ work activities:

- 1 1. Retail, food service, and gasoline service
- 2 establishments.
- 3 2. Office and clerical work, including operation of office
- 4 machines.
- 5 3. Cashiering, selling, modeling, art work, work in
- 6 advertising departments, window trimming, and comparative
- 7 shopping.
- 8 4. Price marking and tagging by hand or by machine,
- 9 assembling orders, packing, and shelving.
- 10 5. Bagging and carrying out customers' orders.
- 11 6. Errand and delivery work by foot, bicycle, and public
- 12 transportation.
- 13 7. Cleanup work, including the use of vacuum cleaners and
- 14 floor waxers, and maintenance of grounds.
- 15 8. Kitchen work and other work involved in preparing and
- 16 serving food and beverages, including the cleaning using
- 17 kitchen cleaning products with required personal protective
- 18 equipment, operation of machines and devices used in the
- 19 performance of such work, including but not limited to
- 20 microwaves, dishwashers, toasters, dumb-waiters, popcorn
- 21 poppers, milk shake blenders, and coffee grinders.
- 22 9. *a.* Work in connection with motor vehicles and trucks if
- 23 confined to the following:
- 24 (1) Dispensing gasoline and oil.
- 25 (2) Courtesy service.
- 26 (3) Car cleaning, washing, and polishing.
- 27 *b.* Nothing in this subsection shall be construed to include
- 28 work involving the use of pits, racks, or lifting apparatus or
- 29 involving the inflation of any tire mounted on a rim equipped
- 30 with a removable retaining ring.
- 31 10. Cleaning vegetables and fruits, and wrapping, sealing,
- 32 labeling, weighing, pricing, and stocking goods when performed
- 33 in areas physically separate from areas where meat is prepared,
- 34 ~~for sale and outside~~ including work in freezers or and meat
- 35 coolers.

1 11. Loading onto motor vehicles and unloading from motor
2 vehicles of the light, non-power-driven hand tools and personal
3 protective equipment that the minor will use as part of their
4 employment at the work site. Such light tools include but are
5 not limited to rakes, hand-held clippers, shovels, and brooms.
6 Such light tools do not include items such as trash, sales
7 kits, promotion items or items for sale, lawn mowers, or other
8 power-driven lawn maintenance equipment.

9 12. Laundering.

10 13. Work in the production of seed, limited to removal of
11 off-type plants and corn tassels and hand-pollinating from June
12 1 through Labor Day.

13 14. Other work approved by the rules adopted pursuant to
14 chapter 17A by the labor commissioner.

15 Sec. 4. Section 92.6, Code 2023, is amended to read as
16 follows:

17 **92.6 Fourteen and fifteen — occupations work activities not**
18 **permitted.**

19 1. Persons fourteen ~~and fifteen~~ years of age may not be
20 employed in:

21 a. Any manufacturing ~~occupation~~ work activity.

22 b. Any mining ~~occupation~~ work activity.

23 c. Processing ~~occupations~~ work activities, except in a
24 retail, food service, or gasoline service establishment in
25 those specific ~~occupations~~ work activities expressly permitted
26 under the provisions of [section 92.5](#).

27 d. ~~Occupations~~ Work activities requiring the performance
28 of any duties in workrooms or work places where goods are
29 manufactured, mined, or otherwise processed, except to the
30 extent expressly permitted in retail, food service, or gasoline
31 service establishments under the provisions of [section 92.5](#).

32 e. Public messenger service.

33 f. Operation or tending of hoisting apparatus or of any
34 power-driven machinery, other than office machines and machines
35 in retail, food service, and gasoline service establishments

1 which are specified in section 92.5 as machines ~~which~~ that such
2 minors may operate in such establishments.

3 ~~g. Occupations~~ Work activities prohibited by rules adopted
4 pursuant to chapter 17A by the labor commissioner.

5 ~~h. Occupations~~ Work activities in connection with the
6 following, except office or sales work in connection with these
7 ~~occupations work activities~~, not performed on transportation
8 media or at the actual construction site:

9 (1) Transportation of persons or property by rail, highway,
10 air, on water, pipeline, or other means.

11 (2) Warehousing and storage.

12 (3) Communications and public utilities.

13 (4) Construction, including repair.

14 ~~i.~~ Any of the following ~~occupations~~ work activities in a
15 retail, food service, or gasoline service establishment:

16 (1) Work performed in or about boiler or engine rooms.

17 (2) Work in connection with maintenance or repair of the
18 establishment, machines, or equipment.

19 (3) Outside window washing that involves working from
20 window sills, and all work requiring the use of ladders,
21 scaffolds, or their substitutes.

22 (4) Cooking except at soda fountains, lunch counters, snack
23 bars, or cafeteria serving counters, and baking.

24 (5) ~~Occupations which~~ Work activities that involve
25 operating, setting up, adjusting, cleaning, oiling, or
26 repairing power-driven food slicers and grinders, food choppers
27 and cutters, and bakery-type mixers.

28 ~~{6} Work in freezers and meat coolers and all work in~~
29 ~~preparation of meats for sale, except wrapping, sealing,~~
30 ~~labeling, weighing, pricing, and stocking when performed in~~
31 ~~other areas.~~

32 ~~{7}~~ (6) Loading and unloading goods to and from trucks,
33 railroad cars, or conveyors, except as permitted by section
34 92.5, subsection 11.

35 ~~{8}~~ (7) All ~~occupations~~ work activities in warehouses

1 except office and clerical work.

2 ~~j. Laundering, except for the use of a washing machine~~
3 ~~which has a capacity of less than ten cubic feet and which is~~
4 ~~designed to reach an internal temperature which does not exceed~~
5 ~~212 degrees Fahrenheit.~~

6 2. Nothing in **this section** shall be construed as prohibiting
7 office, errand, or packaging work when done away from moving
8 machinery.

9 Sec. 5. NEW SECTION. 92.6A Fifteen — permitted work
10 activities.

11 1. Persons fifteen years of age may be employed or permitted
12 to work in any of the work activities provided in section 92.5
13 in addition to the following work activities:

14 a. Loading and unloading non-power-driven equipment weighing
15 up to thirty pounds into motor vehicles.

16 b. Loading and unloading groceries and other retail items
17 weighing up to thirty pounds into motor vehicles.

18 c. Stocking shelves with items weighing up to thirty pounds.

19 d. If properly licensed, work as a lifeguard or swim
20 instructor at a traditional swimming pool or amusement park.

21 2. The commissioner may issue a waiver of any weight
22 limitations provided in subsection 1 of up to fifty pounds
23 depending on the strength and ability of the fifteen-year-old.

24 3. The commissioner may issue a waiver for a
25 fifteen-year-old to be able to load and unload light
26 power-driven lawn machines based on the ability of the minor if
27 the minor is supervised, the machine is powered off, and the
28 safety key is stored away from the machine.

29 4. The commissioner may issue a waiver for a
30 fifteen-year-old to perform light assembly work as long
31 as the assembly is not performed on machines or in an area with
32 machines.

33 Sec. 6. NEW SECTION. 92.6B Fifteen — work activities not
34 permitted.

35 1. Persons fifteen years of age may not be employed in:

- 1 *a.* Any manufacturing work activity.
- 2 *b.* Any mining work activity.
- 3 *c.* Processing work activities, except in a retail, food
- 4 service, or gasoline service establishment in those specific
- 5 work activities expressly permitted under the provisions of
- 6 section 92.5.
- 7 *d.* Work activities requiring the performance of any duties
- 8 in workrooms or work places where goods are manufactured,
- 9 mined, or otherwise processed, except to the extent expressly
- 10 permitted in retail, food service, or gasoline service
- 11 establishments under the provisions of section 92.5.
- 12 *e.* Public messenger service.
- 13 *f.* Operation or tending of hoisting apparatus or of any
- 14 power-driven machinery, other than office machines and machines
- 15 in retail, food service, and gasoline service establishments
- 16 which are specified in section 92.5 as machines that such
- 17 minors may operate in such establishments.
- 18 *g.* Work activities prohibited by rules adopted pursuant to
- 19 chapter 17A by the labor commissioner.
- 20 *h.* Work activities in connection with the following,
- 21 except office or sales work in connection with these work
- 22 activities, not performed on transportation media or at the
- 23 actual construction site:
 - 24 (1) Transportation of persons or property by rail, highway,
 - 25 air, on water, pipeline, or other means.
 - 26 (2) Warehousing and storage.
 - 27 (3) Communications and public utilities.
 - 28 (4) Construction, including repair.
- 29 *i.* Any of the following work activities in a retail, food
- 30 service, or gasoline service establishment:
 - 31 (1) Work performed in or about boiler or engine rooms.
 - 32 (2) Work in connection with maintenance or repair of the
 - 33 establishment, machines, or equipment.
 - 34 (3) Outside window washing that involves working from
 - 35 window sills, and all work requiring the use of ladders,

1 scaffolds, or their substitutes.

2 (4) Cooking except at soda fountains, lunch counters, snack
3 bars, or cafeteria serving counters, and baking.

4 (5) Work activities that involve operating, setting
5 up, adjusting, cleaning, oiling, or repairing power-driven
6 food slicers and grinders, food choppers and cutters, and
7 bakery-type mixers.

8 (6) Loading and unloading goods to and from trucks, railroad
9 cars, or conveyors, except as permitted by section 92.5,
10 subsection 11, and section 92.6A.

11 (7) All work activities in warehouses except office and
12 clerical work.

13 2. Nothing in this section shall be construed as prohibiting
14 office, errand, or packaging work when done away from moving
15 machinery.

16 Sec. 7. Section 92.7, Code 2023, is amended to read as
17 follows:

18 **92.7 Under sixteen — hours permitted.**

19 A person under sixteen years of age shall not be employed
20 with or without compensation, except as provided in sections
21 ~~92.2~~ 92.5 and ~~92.3~~ 92.6A, before the hour of 7:00 a.m. or after
22 ~~7:00~~ 9:00 p.m., except during the period from June 1 through
23 Labor Day when the hours may be extended to ~~9:00~~ 11:00 p.m.
24 If such person is employed for a period of five hours or more
25 each day, an intermission of not less than thirty minutes shall
26 be given. Such a person shall not be employed for more than
27 eight hours in one day, exclusive of intermission, and shall
28 not be employed for more than forty hours in one week. The
29 hours of work of persons under sixteen years of age employed
30 outside school hours shall not exceed ~~four~~ six in one day or
31 twenty-eight in one week while school is in session.

32 Sec. 8. NEW SECTION. **92.7A Seventeen — hours permitted.**

33 A person who is seventeen years of age may work the same
34 hours as a person who is eighteen years of age.

35 Sec. 9. Section 92.8, Code 2023, is amended to read as

1 follows:

2 **92.8 Under eighteen — prohibited ~~occupations~~ work**
3 **activities.**

4 No person under eighteen years of age shall be employed
5 or permitted to work with or without compensation at any
6 of the following ~~occupations~~ work activities or business
7 establishments:

8 1. ~~Occupations~~ Work activities in or about plants or
9 establishments manufacturing or storing explosives or articles
10 containing explosive components, except performing light
11 assembly work as long as the assembly is not performed on
12 machines or in an area with machines.

13 2. ~~Occupations of motor vehicle driver and helper.~~

14 3. ~~2. Logging occupations~~ Logging and ~~occupations in~~
15 the operation of any sawmill, lath mill, shingle mill, or
16 cooperage-stock mill.

17 4. ~~3. Occupations involved in the operation~~ Operation of
18 power-driven woodworking machines.

19 5. ~~4. Occupations~~ Work activities involving exposure to
20 radioactive substances and to ionizing radiations.

21 6. ~~5. Occupations involved in the operation~~ Operation of
22 elevators and other power-driven hoisting apparatus.

23 7. ~~6. Occupations involved in the operation~~ Operation of
24 power-driven metal forming, punching, and shearing machines.

25 8. ~~7. Occupations in connection with~~ Coal mining.

26 9. ~~8. Occupations~~ Work activities in or about slaughtering
27 and meat packing establishments and rendering plants, provided
28 that work activities in office, shipping, and assembly areas
29 shall not be prohibited by this chapter.

30 10. ~~9. Occupations involved in the operation~~ Operation
31 of certain power-driven bakery machines. Except as otherwise
32 provided in this subsection, this subsection does not apply to
33 the operation of pizza dough rollers that are a type of dough
34 sheeter that have been constructed with safeguards contained in
35 the basic design so as to prevent fingers, hands, or clothing

1 from being caught in the in-running point of the rollers,
 2 that have gears that are completely enclosed, and that have
 3 microswitches that disengage the machinery if the backs or
 4 sides of the rollers are removed, only when all the safeguards
 5 detailed in [this subsection](#) are present on the machinery, are
 6 operational, and have not been overridden. However, this
 7 subsection does apply to the setting up, adjusting, repairing,
 8 oiling, or cleaning of pizza dough rollers as described in this
 9 subsection.

10 ~~11. 10. Occupations involved in the operation~~ Operation of
 11 certain power-driven paper products machines, except bailers if
 12 the machine is powered off and the key is stored in a separate
 13 area from the machine.

14 ~~12. 11. Occupations involved in the manufacture~~
 15 Manufacturing of brick, tile, and related products.

16 ~~13. 12. Occupations involved in the operation~~ Operation of
 17 circular saws, band saws, and guillotine shears.

18 ~~14. 13. Occupations involved in wrecking~~ Wrecking,
 19 demolition, and shipbreaking operations.

20 ~~15. 14. Occupations involved in roofing~~ Roofing
 21 operations.

22 ~~16. 15. Excavation occupations.~~

23 ~~17. 16. In~~ Work activities in or about foundries; provided
 24 that office, shipping, and assembly area employment shall not
 25 be prohibited by [this chapter](#).

26 ~~18. 17. Occupations involving the operation~~ Operation of
 27 dry cleaning or dyeing machinery.

28 ~~19. 18. Occupations~~ Work activities involving exposure to
 29 lead fumes or its compounds, or to dangerous or poisonous dyes
 30 or chemicals.

31 ~~20. 19. Occupations involving the transmission~~
 32 Transmission, distribution, or delivery of goods or messages
 33 between the hours of 10:00 p.m. and 5:00 a.m.

34 ~~21. 20. Occupations~~ Work activities prohibited by rules
 35 adopted pursuant to [chapter 17A](#) by the labor commissioner.

1 Sec. 10. NEW SECTION. **92.8A Approved career and technical**
2 **education, work-based learning, internships, registered**
3 **apprenticeship programs, and student learners.**

4 1. The director of the department of workforce development
5 or department of education may grant an exception from any
6 provision of section 92.6, 92.6B, or 92.7 for minors fourteen
7 to seventeen years of age participating in work-based learning
8 or a school or employer-administered, work-related program
9 approved by the department of workforce development or the
10 department of education if all of the following apply:

11 a. The requestor demonstrates the activity will be performed
12 under adequate supervision and training.

13 b. The training includes adequate safety precautions.

14 c. The terms and conditions of the proposed employment will
15 not interfere with the health, well-being, or schooling of the
16 minor enrolled in the approved program.

17 2. Section 92.8 shall not apply to a student in an approved
18 work-based learning program, registered apprenticeship, career
19 and technical education program, or student learner program
20 provided the student is employed under all of the following
21 conditions:

22 a. The student is employed in a craft recognized as an
23 apprenticeable trade or the student is employed under a written
24 employment agreement.

25 b. The work of the apprentice or student employee in the
26 work activities declared particularly hazardous is incidental
27 to the apprentice's training.

28 c. The work is intermittent and for short periods of time
29 and is under the direct and close supervision of a qualified
30 and experienced person.

31 d. Adequate on-the-job training and safety instructions are
32 in place.

33 Sec. 11. Section 92.17, subsections 2 and 4, Code 2023, are
34 amended by striking the subsections.

35 Sec. 12. Section 92.17, subsection 3, Code 2023, is amended

1 to read as follows:

2 3. A child from working in any ~~occupation~~ work activity or
3 business operated by the child's parents. For the purposes
4 of this subsection, "*child*" and "*parents*" include a foster
5 child and the child's foster parents who are licensed by the
6 department of health and human services.

7 Sec. 13. Section 92.19, subsections 2 and 3, Code 2023, are
8 amended by striking the subsections.

9 Sec. 14. Section 92.20, subsection 1, Code 2023, is amended
10 by striking the subsection.

11 Sec. 15. Section 92.21, subsection 1, Code 2023, is amended
12 to read as follows:

13 1. The labor commissioner may adopt rules pursuant to
14 chapter 17A to more specifically define the ~~occupations~~ work
15 activities and equipment permitted or prohibited in this
16 chapter, ~~to determine occupations for which work permits are~~
17 ~~required~~, and to issue general and special orders prohibiting
18 or allowing the employment of persons under eighteen years
19 of age in any place of employment defined in this chapter as
20 hazardous to the health, safety, and welfare of the persons.

21 Sec. 16. Section 92.22, subsection 1, Code 2023, is amended
22 to read as follows:

23 1. The labor commissioner shall enforce this chapter.
24 An employer who violates this chapter or the rules adopted
25 pursuant to this chapter is subject to a civil penalty of
26 not more than ten thousand dollars for each violation. The
27 commissioner may waive or reduce a civil penalty based on
28 evidence the commissioner may obtain. The commissioner shall
29 provide a fifteen-day grace period before imposing a civil
30 penalty.

31 Sec. 17. Section 92.23, Code 2023, is amended to read as
32 follows:

33 **92.23 Group insurance.**

34 Anyone under the age of eighteen and subject to this chapter
35 employed in the ~~street occupations who sells or delivers~~ work

1 activities of selling or delivering the product or service
2 of another and who is designated in such capacity as an
3 independent contractor shall be provided participation, if the
4 person under the age of eighteen desires it at group rate cost,
5 in group insurance for medical, hospital, nursing, and doctor
6 expenses incurred as a result of injuries sustained arising out
7 of and in the course of selling or delivering such product or
8 service by the person, firm, or corporation whose product or
9 service is so delivered.

10 Sec. 18. NEW SECTION. 92.24 Employer liability in
11 work-based learning.

12 1. For purposes of this section, unless the context
13 otherwise requires:

14 a. "*Business*" means any city, county, or township, including
15 but not limited to a fire department or law enforcement
16 office or department, public university, municipal university,
17 community college, technical college or not-for-profit
18 private postsecondary educational institution, corporation,
19 association, partnership, proprietorship, limited liability
20 company, limited partnership, limited liability partnership,
21 organization or other legal entity, whether for-profit or
22 not-for-profit, that does all of the following:

23 (1) Enters into an agreement with a school district for a
24 work-based learning program.

25 (2) Directly supervises a student who is participating in
26 the work-based learning program, either on the premises of the
27 business or at another location.

28 b. "*Work-based learning program*" means a learning program to
29 which all of the following apply:

30 (1) The program includes but is not limited to work-related,
31 on-the-job training, job shadowing, internships, clinicals,
32 practicums, registered apprenticeships, co-ops, supervised
33 agricultural experiences, and industry-led service-learning
34 projects.

35 (2) The program is incorporated into secondary coursework

1 or related to a specific field of study.

2 (3) The program integrates knowledge and theory learned
3 in the classroom or other school-approved setting with
4 the practical application and development of skills and
5 proficiencies in a professional work setting.

6 2. A business that accepts a secondary student in a
7 work-based learning program shall not be subject to civil
8 liability for any claim arising from the student's negligent
9 act or omission during the student's participation in the
10 work-based learning program at the business or worksite.

11 3. A business that accepts a secondary student in a
12 work-based learning program shall not be subject to civil
13 liability for any claim for bodily injury to the student or
14 sickness or death by accident of the student arising from
15 the student's driving to or from the business or worksite to
16 participate in the work-based learning program.

17 4. A business that accepts a secondary student in a
18 work-based learning program shall not be subject to civil
19 liability for any claim for bodily injury to the student or
20 sickness or death by accident of the student arising from the
21 business's negligent act or omission during the student's
22 participation in the work-based learning program at the
23 business or worksite.

24 5. This section shall not be construed to provide immunity
25 for a student or business for civil liability arising from
26 gross negligence or willful misconduct.

27 Sec. 19. Section 123.49, subsection 2, paragraph f, Code
28 2023, is amended to read as follows:

29 f. Employ a person under eighteen years of age in the
30 sale or serving of alcoholic beverages for consumption on
31 the premises where sold. This paragraph shall not apply if
32 the employer has on file written permission from the parent,
33 guardian, or legal custodian of a person sixteen or seventeen
34 years of age for the person to sell or serve alcoholic
35 beverages for consumption on the premises where sold. The

1 employer shall keep a copy of the written permission on file
2 until the person is either eighteen years of age or no longer
3 engaged in the sale of or serving alcoholic beverages for
4 consumption on the premises where sold.

5 Sec. 20. Section 321.194, subsection 2, paragraph a, Code
6 2023, is amended by adding the following new subparagraph:

7 NEW SUBPARAGRAPH. (04) If the licensee is employed, the
8 licensee may operate a motor vehicle during the hours of 5:00
9 a.m. to 10:00 p.m. over the most direct and accessible route
10 between the licensee's residence or school of enrollment and
11 the licensee's place of employment, provided the driving
12 distance between the licensee's place of employment and the
13 nearest point on the route on which the licensee is authorized
14 to travel under subparagraph (1), subparagraph division (a), or
15 subparagraph (2), subparagraph division (a), is no more than
16 fifty miles.

17 Sec. 21. Section 321.194, subsection 2, paragraph a,
18 subparagraph (4), Code 2023, is amended to read as follows:

19 (4) To a service station for the purpose of refueling, so
20 long as the service station is the station closest to the route
21 on which the licensee is traveling under subparagraph (1), (2),
22 ~~or~~ (3), or (04).

23 Sec. 22. Section 321.194, subsection 3, paragraphs a and b,
24 Code 2023, are amended to read as follows:

25 a. Each application shall be accompanied by a statement
26 from the applicant's school of enrollment or employer. The
27 statement shall be upon a form provided by the department and
28 shall certify that a need exists for the license and that the
29 person signing the statement is not responsible for actions of
30 the applicant which pertain to the use of the driver's license.

31 (1) If the applicant attends a public school, the
32 certification shall be made by the school board, superintendent
33 of the applicant's school, or principal, if authorized by the
34 superintendent.

35 (2) If the applicant attends an accredited nonpublic

1 school, the certification shall be made by the authorities in
2 charge of the accredited nonpublic school or a duly authorized
3 representative of the authorities.

4 (3) If the applicant is employed, the certification shall
5 be in the form of an affidavit for minor license signed by the
6 employer and the student.

7 b. Upon receipt of a statement of necessity or signed
8 affidavit, the department shall issue the driver's license
9 provided the applicant is otherwise eligible for issuance of
10 the license. The fact that the applicant resides at a distance
11 less than one mile from the applicant's school of enrollment
12 is prima facie evidence of the nonexistence of necessity for
13 the issuance of a license. However, the distance between the
14 applicant's residence and school of enrollment shall not be
15 considered if the applicant resides on a farm or is employed
16 for compensation on a farm.

17 Sec. 23. REPEAL. Sections 92.1, 92.2, 92.9, 92.10, 92.11,
18 92.12, 92.13, 92.14, 92.15, 92.16, and 92.18, Code 2023, are
19 repealed.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to youth employment.

24 CHILD LABOR. The bill includes various amendments to
25 Code chapter 92, relating to child labor. The bill strikes
26 provisions providing for child labor permits and migrant
27 child labor permits. The bill strikes provisions allowing
28 certain children under 14 years of age to engage in street
29 occupations. The bill modifies permitted and prohibited
30 work that can be performed by minors 14 to 17 years of age,
31 as well as hours in which work can be performed. The bill
32 strikes penalties for certain actions taken in violation
33 of Code chapter 92 to procure employment for oneself or
34 of another person; other penalties for violations of Code
35 chapter 92 are retained. Under current law, a violation

1 of Code chapter 92 is generally a serious misdemeanor. A
2 serious misdemeanor is punishable by confinement for no more
3 than one year and a fine of at least \$430 but not more than
4 \$2,560. The bill allows the labor commissioner to waive or
5 reduce a civil penalty under Code chapter 92 based on evidence
6 the commissioner may obtain and requires the commissioner to
7 provide a 15-day grace period before imposing a civil penalty.
8 Under current law, an employer violating Code chapter 92 is
9 subject to a civil penalty of up to \$10,000. The bill changes
10 terminology referring to "occupations" to instead refer to
11 "work activities".

12 The bill allows the director of the department of workforce
13 development or department of education to grant an exception
14 from specified provisions of Code chapter 92 relating to
15 prohibited work activities and work hours for minors 14 to 17
16 years of age participating in work-based learning or a school
17 or employer-administered, work-related program approved by
18 the department of workforce development or the department of
19 education if specified conditions apply. The bill provides
20 that specified prohibitions on work activities are inapplicable
21 to a student in an approved work-based learning program,
22 registered apprenticeship, career and technical education
23 program, or student learner program provided the student is
24 employed under specified conditions.

25 The bill provides that a business that accepts a secondary
26 student in a work-based learning program shall not be subject
27 to civil liability for specified claims relating to the
28 student's work in the program. This provision shall not be
29 construed to provide immunity for a student or business for
30 civil liability arising from gross negligence or willful
31 misconduct.

32 ALCOHOLIC BEVERAGES. The bill allows a person 16 to 17
33 years of age to be employed in the sale or serving of alcoholic
34 beverages for on-premises consumption under Code section 123.49
35 if the employer has on file written permission from the parent,

1 guardian, or legal custodian of the person. The employer shall
2 keep a copy of the written permission on file until the person
3 is either 18 years of age or no longer engaged in the sale of
4 or serving alcoholic beverages.

5 A violation of Code section 123.49 is a simple misdemeanor.
6 A simple misdemeanor is punishable by confinement for no more
7 than 30 days and a fine of at least \$105 but not more than \$855.

8 MOTOR VEHICLE OPERATION. The bill provides that a person
9 holding a special minor's license under Code section 321.194
10 who is employed may operate a motor vehicle during the hours
11 of 5:00 a.m. to 10:00 p.m. over the most direct and accessible
12 route between the licensee's residence or school of enrollment
13 and the licensee's place of employment, provided the driving
14 distance between the licensee's place of employment and
15 the nearest point on the route on which the licensee is
16 authorized to operate a motor vehicle for purposes of school
17 transportation under current law is no more than 50 miles.
18 The person's application for a special minor's license must
19 include an affidavit for minor license signed by the employer
20 and the person, using a form provided by the department. Other
21 requirements to obtain a special minor's license under current
22 law are applicable to such a person.

23 Under current law, the fact that an applicant for a special
24 minor's license resides at a distance less than one mile from
25 the applicant's school of enrollment is prima facie evidence of
26 the nonexistence of necessity for the issuance of the license.
27 The bill strikes this provision. The bill provides that
28 the distance between an applicant's residence and school of
29 enrollment shall not be considered if the applicant is employed
30 for compensation.

31 A violation of Code section 321.194 is punishable by a
32 scheduled fine of \$70.